

BEFORE THE DEPARTMENT OF COMMERCE  
OF THE STATE OF MONTANA

In the matter of the proposed	)	NOTICE OF PROPOSED
amendment of ARM 8.2.101	)	AMENDMENT
pertaining to incorporation of model	)	
rules by reference	)	NO PUBLIC HEARING
	)	CONTEMPLATED

TO: All Concerned Persons

1. On September 15, 2008, the Department of Commerce proposes to amend the above-stated rule.

2. The Department of Commerce will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m., September 11, 2008, to advise us of the nature of the accommodation that you need. Please contact Gail Gallik, Department of Commerce, 301 South Park Avenue, P.O. Box 200501, Helena, Montana 59620-0501; telephone (406) 841-2700; TDD (406) 841-2702; fax (406) 841-2701; or e-mail ggallik2@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

8.2.101 INCORPORATION OF MODEL RULES BY REFERENCE (1) The Department of Commerce adopts and incorporates the Attorney General's model rules by reference to such rules as stated in ARM 1.3.101 through ARM 1.3.234~~3~~ with the exceptions contained in this subchapter, and the Secretary of State's model rules by reference to such rules as stated in ARM 1.3.301 through ARM 1.3.313 with the exceptions contained in this subchapter.

AUTH: 2-4-202, MCA  
IMP: 2-4-201, MCA

REASON: The department proposes to amend the rule to correct the reference to the rules recently amended and transferred by the Secretary of State.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Kelly A. Casillas, Legal Counsel, Department of Commerce, 301 South Park Avenue, P.O. Box 200501, Helena, Montana 59620-0501; telephone (406) 841-2727; fax (406) 841-2701; or e-mail kcasillas@mt.gov, and must be received no later than 5:00 p.m., September 11, 2008.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Kelly A. Casillas at the above address no later than 5:00 p.m., September 11, 2008.

6. If the agency receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 25 persons based on the number of individuals in Montana who are interested in the department's procedures for adopting, amending, repealing, and transferring administrative rules.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the Department of Commerce, 301 South Park Avenue, P.O. Box 200501, Helena, Montana 59620-0501, by fax to (406) 841-2731, by e-mail to lgregg@mt.gov, or may be made by completing a request form at any rules hearing held by the department.

8. An electronic copy of this Proposal Notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

9. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

/s/ KELLY A. CASILLAS  
KELLY A. CASILLAS  
Rule Reviewer

/s/ ANTHONY J. PREITE  
ANTHONY J. PREITE  
Director  
Department of Commerce

Certified to the Secretary of State August 4, 2008.